

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

January 11-15, 1999

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-11	CANC	25,190	Brown & Bigelow, Inc. v. William L. Commins, III	Simms Walters Bucher*	2(d)	Petition to Cancel Granted	"MAVERICK" [playing cards]	"MAVERICK" [entertainment services in the nature of magic acts]			No
1-11	EX	74/529,244	Animatics Corp.	Seeherman Chapman Bucher*	2(e)(1)	Refusal Affirmed		"SMARTMOTOR" [apparatus for controlling robotic machines, namely, electric motors with built-in controls]		Straser	No
1-11	EX	74/656,481	E-2 Brokers, Inc.	Seeherman Hairston Bucher*	Section 6 disclaimer requirement (of the word "PURE")	Refusal Affirmed		"DAILY PURE" [teas]		Shanahan	No
1-11	OPP	99,081	The Good Earth Corp. v. Donald C. Volk	Sams Seeherman* Quinn	2(d)	Opposition Sustained (but only with respect to opposer's mark "PLANET BURGER")	"PLANET BURGER" [vegetarian sandwiches]; "GOOD EARTH BURGER" [hamburger sandwiches sold in licensee restaurants]; "EARTH BURGER" [hamburger sandwiches sold in one of applicant's licensee's restaurants]	"EARTHBURGER" [vegetable protein food product in the nature of a hamburger]			No
1-11	OPP	104,527	Rexair, Inc. v. Beamco, Inc.	Hohein Wendel* Bucher	2(d)	Opposition Sustained	"REXAIR" (in stylized lettering) [vacuum cleaners and parts and attachments therefor]	"RX AIR" (and design) [stationary and portable vacuum cleaners incorporating small particle filtration components and parts therefor]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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1-11	EX	74/710,101	TBN Holdings Inc.	Cissel Chapman* Bucher	2(d)	Refusal Affirmed (but only as to cited mark "OMNI-SOLV")		"OMNI" [solvents, namely, acetone, aromatics, hexane, methanol, methylene, mineral spirits, toluene, naphthas, xylene, isopropyl alcohol, methyl ethyl ketone, methyl isobutyl ketone, lacquer diluent, perchloroethylene, trichlorethane, trichlorethylene, chlorinated solvents, and solvent blends thereof]	"OMNISOLV" [organic glass distilled solvents used by laboratories in educational institutions, government facilities and industry for general in vitro use]; "OMNI" (and design) [chlorine for use in pools and spas, etc.; general purpose surface cleaners and algicides for pools and spas]	E. Clarke	No
1-11	OPP	98,991	Fine Fragrances, Inc. v. Pavion Ltd.	Hohein Hairston* Walters	2(d)	Opposition Sustained	"CAFÉ" (and design) [perfumes and toilet water]	"CAFÉ COLORS" [perfumes, colognes, cosmetics, namely non-medicated nail care preparations, non-medicated skin care preparations and non-medicated hair care preparations]			No
1-11	OPP (SJ)	104,286	Macmillan, Inc. v. Dolores M. Winner	Walters Chapman Wendel [Opinion "By the Board"]	2(d)	Opposition Sustained [Motion for summary judgment granted]	"RAGGEDY ANN," "RAGGEDY ANDY," "RAGGEDIES," and other marks [children's books, newsletters, and catalogues, etc.]	"RAGGEDY BEAR & THE RAGGEDIES" [publications, namely, travel, tracing, coloring and comic books featuring stories about a fictional bear, rag dolls and other cartoon characters]			No

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1-11	OPP	100,530	Out-of-Court Solutions v. Out of Court, Inc.	Cissel Seeherman Hairston*	2(d)	Opposition Sustained	"OUT-OF-COURT SOLUTIONS" (and design) [mediation and arbitration services]	"OUT OF COURT" (and design) [mediation and arbitration services]			No
1-11	CANC	21,866	Phoenix Technologies Ltd. v. Tesco, Inc. and Mark Ismach	Seeherman Hairston* Chapman	genericness	Petition to Cancel Denied		"BIOS" [personal computers]			No
1-11	EX	74/717,937	Precision Resource Co., LLC	Simms Cissel* Chapman	2(e)(1)	Refusal Affirmed		"PITBOSS" [computer hardware and software for tracking and managing transactions in single or multiple pit areas of a gaming establishment]		Marmelstein	No
1-12	EX	74/646,349	Riviera Operating Corp.	Hanak Quinn Hairston*	2(d)	Refusal Reversed		"RIVIERA" [hotels providing banquet, convention, business meeting, and social function facilities for special occasions]	"RIVIERA CAFÉ" (and design) [restaurant services]	Jenkins	No
1-13	EX	74/636,249	Sally Ballew	Seeherman Hairston Chapman*	2(d)	Refusal Reversed		"FORE JUNIORS ONLY" (and design) [mail order catalog services featuring children's golf equipment, clothing and related accessories]	"JRS. ONLY!" [ladies' and girls' clothing, namely, blouses, body suits, swimsuits, shorts, jackets, blazers, skirts, t-shirts, sweat pants, and sweatshirt ensembles]	Bullock	No

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1-13	EX	74/565,448	Blenheim Group USA, Inc.	Simms (D) Seeherman Hairston*	genericness; whether matter applicant seeks to register is registrable under Section 2(f)	Refusal Reversed		"PC EXPO" [arranging and conducting trade shows, exhibitions, and conferences in the field of computer hardware and software]		Jenkins	No

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